

# Axiom of a Masculinist state and the Gendered Avowal: an Interdisciplinary Discourse

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*Discourses on the role of the state have been challenged and redefined in multiple mediums amongst vast civilisations. The overall image that emerges from these discourses often alludes to a protector, provider, and moderator - however, above all the state remains a manifestation of male dominance. Despite the vast research and feminist encroachment into the political sphere/male fortress on the patriarchal state that is doctored on 'male interests', this essay instead chooses to examine the pervasive and intersecting reaches of the state and its gendered manifestations beyond the binary of a biological sense of gender. Premised on the intertwining of Burstyn's masculine dominance and Brown's conceptualisation of the masculinist state, this critique explores the discourses on the 'feminised other' as subjugated through the masculinist praxis of colonisation and sense of 'salvation' within the context of Australian history. The epitome of masculinist dominance as examined exists in the veiling of inquisition as justified in the prioritisation of citizen protection. Thinning the demarcation between the private and public spheres, dominant discourses highlight the state as justified; executing its duties to the citizen with expressed intentions of preventative justice. Unconstrained by the confines of a 'biologically male interests' conceptualisation of a masculinist state, this essay adds nuance to the understanding of the pervasions of the state and problematises notions of the 'feminised other' as strictly a 'womans problem'. This study is part of a growing body of research on feminist perspectives of the state and state power. Through the intersectional research of post-colonialist, feminist, and socio-political academics, this project will contribute to future research on similar topics.*

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**Keywords:** Feminist analysis, state, discourse, masculinist, patriarchy, intersectionality, gender

## Introduction

Various categorical 'blindness's, such as gender blindness, are often credited as a contemporary and progressive practice within Australian liberal state discourses seeking to credit individuals by merit rather than apparent inherited distinctions and differentiations. In order to ratify policy which does not discriminate one group from another, and avoid unconsciously or otherwise offering

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bias to another, the state body then must also be neutral and without the 'interests' of a particular group or party. Yet, as feminist analysts such as Brown (1992) and Connell (Zajicek & Calasanti, 1998, pp. 506-07) each argue, the state/discourses of the state and power are inherently and, therefore, irredeemably, gendered.

This paper, examining the multiple dimensions of masculinity as a logic of state power, will critically discuss the view of the Australian state as irredeemably masculinist. Engaging with an intersectional approach of defining masculinity through a historical analysis of the Australian state, this essay examines the foundations of the current Australian state, its role as protector as opposed to punisher, and its apparent 'gender neutrality' as a state.

### **Masculine Dominance: an Intersectional Approach**

Genderless conceptualisations of the state and power often neglect the inequalities experienced by multiple groups within society beyond the binary of experience between men and women. Within Western liberal thought, gender predominately is discussed and understood in the binary, belonging and attributed to the notion of either the 'man - masculine' or the 'woman - feminine' (Nicholas & Agius, 2017, p. 7; Lorber, 2018). Bigenderism, referring to this oppositional thinking of gender as termed by Gilbert (2009), however, inevitably regresses to a hierarchal structure (Butler, 2007, p. 13) which simultaneously prioritises the masculine 'man' group (Peterson & Runyan, 2010) whilst it also others the feminine 'woman' and derogates the citizen who does not ascribe to this binary gendered framework (Nicholas & Agius, 2017, p. 7). Rather than a biological phenomenon occurring only in the binary, gender, as with culture, is human produced; a product of human interaction (Lorber, 2018). The perverse nature of an orthodoxy of bigenderism and heteronormativity ingrains the societal belief, and subsequently state discourses, that gender occurs 'naturally' and is biologically determinative. Concomitant with this, the consequential hierarchy, a social constructivist's view of women's (and the feminised 'others') subordination that is established, is also 'natural' and legitimate (Peterson & Runyan, 2010, p. 63).

Extending masculinist analysis beyond the gendered traits of the cis-woman and cis-man, this essay broadens its definition of masculinism, as the pursuit of dominance and the exclusionary praxis of the feminine – a marginalisation of the other, regardless of whether male or female (Nicholas & Agius, 2017, p. 8; Peterson & Runyan, 2010, p. 63). Underlying this ethos of masculinism is the ideology of fraternal patriarchy (Pateman, 1995); an ideology that legitimises and naturalises masculine male domination and subjugates the feminine to a secondary role of subordination (Brittan, 1991, p. 4). The intersection of gender with other axes of hierarchy and their complicity with subordination (Nicholas & Agius, 2017) permeates into multiple dimensions of a citizen's life – the economic, political, and social (Fieldmann, 1949) and is experienced by the categorisation of class and race, as well as, along the gender

spectrum. Following in the lead of Burstyn (1983)<sup>1</sup> and hooks (2004, p. 29)<sup>2</sup>, this essay will refer to the invasive nature of patriarchy and masculinity not in the singular of a gendered lens, but a cross-mode analysis of the domination of the 'feminised other' distinguished by race, class, and gender collectively.

### **A Narrative of state: The 'Birth' of a Nation<sup>3</sup>**

Discourses of the state, its role, and powers, as had been with gender, are often analysed within subjective oppositional frames of thought. For example, good or bad, left or right, liberal or authoritarian. However, a simplistic binary framework for understanding the state narrows the exegesis of the state's complexity, its role, and ultimately, its impact on the citizens who have consented to rescinding their individual rights for the gain of collective rights as provided by the state (Rousseau, 1762). Whilst by virtue of 'being' the state, the state is conceived as being powerful and concrete, yet it remains intangible (Brown, 1992, p. 12).

This paradox of power legitimised by consent, and the narrative of state has often contributed to the tendency to refer to the state as 'it', discussed in the general and abstract (Burstyn, 1983, p. 46). Yet this denotes the domain of state to an inexorable or unimpressionable agent within political scholarship and fails to wholly conceptualise the multifaceted and multidimensional domain of statehood (Brodribb, 1995, p. ix) as reactive, as well as proactive (Zajicek & Calasanti, 1998, p. 507). Therefore, theorising the state not as an 'entity', or even as an institution or system, but as a paradox of multifaceted power relations (Brown, 1992, p. 12) reimagines the notion of the 'state' as malleable - 'an ensemble of discourses, rules, and practices' (Burstyn, 1983, p. 46). Imposed laws of the state, therefore, are both an apparatus and production of this power (Ewald, 1990, p. 138). Further, this reconceptualisation of state as malleable, a perspective presented within liberal feminism, depicts the state therefore, not as an inherently patriarchal or masculinist structure, but rather as the enacting representation, manifestation, and preservation of the interests of the dominant group (Zajicek & Calasanti, 1998).

Alternatively, as Connell (1994) and other radical feminists perceive the state, the state as a social structure and institution not only serves men's interests but is itself inherently gendered (Zajicek & Calasanti, 1998, pp. 506-07). Brown (1992, p. 14) contests further, that masculinism of the state does not inherently rely on the 'interests of men' per se, but rather is masculinist because of the socially constructed

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<sup>1</sup> Burstyn develops the term 'Masculine Dominance' as an alternative to patriarchy, on the discourses of gender hierarchy that intersects with class.

<sup>2</sup> To describe the interlocking political system of race, class, and dominance that is to the benefit of a particular subset of men (*cis-men*), hook regularly utilises the terminology 'Imperialist white-supremacist capitalist patriarchy'.

<sup>3</sup> Infamous silent film of 1915 that romanticises the establishment of the Ku Klux Klan (KKK)  
<https://www.youtube.com/watch?v=MQe5ShxM2DI>

dimensions of masculinity historically shaped and influential upon the modes of power exercised by the state.

### ***Doctrine of Terra Nullius: Capitalist***

Raising of the Union Jack flag on the 26th of January 1788 marks the 'birth' of Australia, a day that is epitomised by the state holiday of Australia day<sup>4</sup> celebrated annually on this date. However, despite the continent and its inhabitants existing thousands of years prior with their own unique legal and cultural traditions (Harvey, Longo, Ligertwood, Babovic, & Parker, 2015, p. 75), such a celebration sustains the imperialist dogma that civilisation, in being exclusive to Empire, could not exist until such introduction by the Imperial state. Reflected in the problematic terminology of Australia as a 'settled state', this declaration still hosts long legal standing within Australian law<sup>5</sup> despite being highly contested due to the legal fiction<sup>6</sup> this decree was founded on – terra nullius (Harvey, et al, 2015, pp. 78-9). Early colonists including Cook, Phillip, and Banks<sup>7</sup> had all well recognised and documented Indigenous inhabitation upon arrival and yet continued to politically, legally, and socially disregard this entire pre-existing Indigenous population (Harvey, et al, 2015, p.79). Whereas 'settlement' infers either the claim of a void territory or a cessation of sovereignty, neither ever occurring in respect of relations between the British and Indigenous Australians; Colonisation – an act of masculine dominance (French, 1992, p. 18), more aptly reflects the unjust reality and dubious legality of the acquirement of Australia by the British Empire. French (1992) writes of colonising societies as driven by a desire to dominate; colonisation - as state dominance upon an innominate state other - is an explicit expression of the 'masculine mystique' (p.18):

A society that worships power vanquishes or converts societies that do not ... Everywhere they went, they took their need to acquire and dominate, their religion, weapons, and diseases ... They used their guns, creating—everywhere they went—devastation, disease, and converts to power-worship. They swallowed territories, created empires, then colonized them. (French, 1992, p. 18) (author's emphasis)

A masculinist ethos coincides with an ethnocentric logic (Hassan, 2003) in the juridico-political discourse of the origins of 'modern Australia' which supplants Indigenous sovereignty with British Sovereignty (Harvey, et al, 2015, p. 18). Dehumanising the Indigenous population and de-subjectifying their vast legal knowledge and traditions renders the colonised collective as 'immanent' (de Beauvoir, 2011, p. 29) and objectified as the feminised other (Fanon, 2001; Said, 1994; Nicholas

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<sup>4</sup> This has been selected as a date only since 1994, alternatively called Foundation Day.

<sup>5</sup> *Cooper v Stuart* (1889) 14 App Cas 286 – Decision of the Privy Council that determined NSW as a 'settled colony', whereby English law would immediately be upheld.

<sup>6</sup> *Mabo v Queensland (No 2)* 175 CLR 1.

<sup>7</sup> Captain James Cook, Sir Arthur Phillip, and Sir Joseph Banks.

& Agius, 2017, p. 12). Patriarchal ideology is not limited to enactment within the state but enforcing a hierarchy of states and culture; existing in its ultimate form as Euro-imperialism on a global scale (hooks, 2000, p. 105).

Existing as a former colonial state that was founded and continues on the legal traditions that have, and continue to, disenfranchise the Indigenous population, the Australian state subsists as inherently masculinist (French, 1992). Until Indigenous sovereignty is recognised and restored through decolonising methods, the domination and degradation of the feminised Indigenous 'other' continues. It therefore provides argument that such state discourse then is redeemable from masculinist logic, however this is through only one dimension of analysing state power (Brown, 1992). The current Australian state as founded and maintained by a masculinist and ethnocentric ethos, and legitimised by a 'settlement'<sup>8</sup> myth, will remain as masculinist; acting in the interests of the dominant group being the enfranchised white, wealthy, male elitist (Brown, 1992).

### ***A White Panacea: Bureaucratic***

Gender myths, foundational to patriarchy (French, 1992), ensured great opposition for feminists of 'new' Australia in seeking suffrage and representation. However, women – white western women, constitutionally enfranchised a year after federation, continued to challenge the orthodoxy of 'Old World' Britain within Australia, engaging into the political public sphere once solely belonging to men (Margarey, 2001, p. 154; Lake, 1993). Previously colonised by the oppressions of gender and class hierarchy in Britain, white western women's arrival to 'New World' Australia offered a unique opportunity for social mobility in the form of the subordination of a perceived inferior 'native' race (Lake, 1993). As Burton (1992) notes, 'The advancement of white Western women was predicated on the backwardness of (other) women' (cited in Lake, 1993, p. 378). The value of whiteness as a distinction was fundamental within the discourses of state, whereby, whilst the state recognised one subordinate other, in the white western female who was allowed to somewhat partake in democratic participation, the state still subjugated a feminised other in the Indigenous Australian. With greater perception of value, also occurs a greater allocation of rights. As Lake (1993) writes 'In claiming independence for themselves, feminists were asserting their status as white and claiming the rights of self-government enjoyed by white men...in working towards the independence of Aboriginal women, feminists were enabling them to become white as well' (p.378).

It is observable in this example of state merit based on race, that whilst uniform women's suffrage came at great costs for early feminists, patriarchal thought and action may still be wedded to women as men expressed in insidious ways (hooks, 2004, p. 23). Occurring as product of patriarchal thought, it is held that a woman is

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<sup>8</sup> The High Court of Australia in *Mabo (No 2)* determined whilst *terra nullius* as legal fiction; this decision is not protected by the Constitution and maintains the acquisition of British sovereignty

defined by the men in their lives, intrinsically scaled against the patriarchal 'norm' which has been woven into the fabric of society over space and time (Dobash, 1979). Rather than gender as the 'norm', the notion and subsequent distinction of the civilised to the 'savage' was perceivable through race. Through this categorisation of 'civilised', this was a trait to which white western women could align with in conjunction of a 'natural' state that standardised white western men as the norm for couriers of civilisation (Lake, 1993).

The white feminists of early modern Australia challenged male dominance in working towards independence, yet, in a focus away from equality, employed masculine dominance as colonisers. Refocuses within the power relations and discourses which is the state, at a superficial level offer an illusion of progression. However, simultaneously they are legislating state policies which placed many Indigenous Australians into protectorates as wards of the 'white man' (Lake, 1993, pp. 378-9). Maintaining the 'main goals of power elites', even though critical engagement of patriarchal struggles by the state may present discourses and directions contradictory to the prima facie dominant interests, (Zajicek & Calasanti, 1998) the state and consequent political actors will 'adjust their strategies and practices to the changing historical political-economic context without necessarily transforming their ideologies' (p. 510).

### **Risk Rationality: the state as Chief Protector<sup>9</sup>**

Antithetical to the traditional conception of the state as ordained by God and succeeded through patrimony (divine right of Kings), classic liberalist philosophy reasons the exercise of political authority not as a right of primogeniture, but a natural right of 'free men' as rational beings (Pateman, 1995, p. 59). The natural liberty of men being 'born free' (Rousseau, 1762) relegates the notion of state and its representatives to equal standing among its members. Yet as civil government, it is tasked to protect each member's natural rights in law with political power (Parry, 2004, pp. 110-2). In surrendering rights of individual political authority to the civil government sinews of the social contract, the state hegemonises the individual and collective's rights of autonomy (Parry, 2004). This political obligation of protection upon the state is exemplified within the framework of the Australian Judicial system (Murphy, 2015), whereby the state is entrusted to protect its citizens of threats, and to deter potential harm through the institutionalised exercise of punishment (Paternek, 1987, p. 97). The necessity of protection, ostensibly guaranteed by a civil state (Brown, 1992, p. 8), inherently relies on the apprehension of 'risks' to individual rights (Beck, 2005). Operated through law as an apparatus of state power, risk management as counter to the threat of risk – ever changing and expanding with

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<sup>9</sup> *Aborigines Act 1911*- A role implemented by The Commonwealth, the Chief Protector of Aborigines, was by authority of the crown to take into 'care, custody or control' of any Aboriginal or half-caste child, who in his opinion, would be required to be removed from family for the 'interests' and deemed necessity of the removed child.

modernisation (Beck, 2005); governs doctrinal law and legitimises its constraints upon the consenting civil society (Murphy, 2015, p. 6). The purported risks identified in law for purpose of address reveal the concerns of the state; in seeking to eliminate risks identified, the state also constructs risks by labelling the subject as a threat (Beck, 2005; Murphy, 2015, p. 6). The intersect of risk theory with social contract theory on the foci of 'protection politics' supports vying perspectives of the state as irredeemably masculinist.

### ***Discorsi: Liberal***

Rather than irredeemably masculinist or patriarchal, it is observable at the very least that the state has been historically patriarchal (Connell, 1994, p. 164). Connell (1994) affirms the argument of the state as reflexive in the notion of the 'historically political state', the state as subject to the 'shifting situations and conflicting pressures' (160-61) presented within the political society. Refuting the argument of the state as innately patriarchal, a 'historically patriarchal state' challenges the truth claims of 'naturalised' gender norms, problematising ingrained patriarchal gender assumptions (Zajicek & Calasanti, 1998, p. 508). Connell instead attributes the patriarchal attitudes of state to the historical frameworks of knowledge, discourses as productive of social struggles and structures (Zajicek & Calasanti, 1998, p. 508). The state, though malleable to patriarchal thought and masculine dominance, is defined and constituted on the discursive struggles of the period, enmeshed with a multi-dimensional civil society in facultative mutualism (Jaggar, 2005, p. 16).

Egalitarian doctrine is foundational within the classic liberalist thought of contract theory, that, whilst at its time failed to recognise the value of women and many of the feminised other within the public sphere, with the evolution of human knowledge and shift in political culture, may be adapted. Applied in a modern context that has since ostensibly problematised gendered hierarchies, the paradigm of Locke's political society is not driven by dominance but political obligation to effectively protect one's rights against emerging risks. Alternatively, contrary to the idealism of Locke's (Parry, 2004) neutral civil government, representatives of the state in the exercise of their granted power determine judgments for protection upon what they value and feel is necessary or 'just' – evolving to reflect the social standards of the time. Safety and security are measured by the emotions and experiences of individuals, and so too are risks.

### ***The Prince: Prerogative***

An ongoing target of feminist critique, the private/public dichotomy, dominated by gender, establishes the boundaries of citizen liberty, from the reach of the state, in force and constitutionally (Higgins, 1999). Within both the classical and contemporary conceptualisations of liberal political thought, the notion of the familial society occurs 'naturally' as inherent of the 'state of nature' (Brown, 1992, p. 17; Parry, 2004) and belonging divinely to the individual, where civil society is an achievement of the rational being (Brown, 1992, p. 17). The natural, however, occurs apolitically and ahistorically, a domain the feminised other is subjugated to, being absent of rational thought (Parry, 2004; Brown, 1992; Brittan, 1991). The state, dutied to

'protect' civil society, is, therefore, within classic liberal accounts, fully malleable as to ensure the preservation of citizens from 'external threats' and also guarantee mutualistic rights between members of civil society (Brown, 1992, p. 17). Young (2003), through the lens of a patriarchal relationship, analogises this state protection as the central logic to masculinist protection. The state, assuming the role of patriarch, responsible for the 'preservation' and safety of the feminised family (civil society), 'he' requires the consenting subordination of 'his' dependents to best protect them. As opposed to direct violence or disciplinary power of the traditional political thought of state power, Young (2003) theorises state power discourse as occurring ostensibly in symbio - to which for male (state) protection, the feminine (civil society) cedes individual autonomy. In this logic, subjugation is not contested, nor is the dominant criticised, but is instead praised and depended upon for protection from 'external threats' as stipulated by the 'protector'. This rationality of risks of 'external threats', and dependence for protection links strategically to the logic of exemption as first conceptualised by Schmitt (2010). Risk rationalisation, as proactive protection of citizens, legitimises to citizens that state exercises of power which encroach upon the rights and liberties of citizens is not only necessary but also the 'natural' role of the artificial liberal state (Murphy, 2015). These rights, once traditionally protected within classical liberal political thought, are constantly renegotiated depending on the 'external threats' as raised by the protecting body (Schmitt, 2010; Young, 2003).

As an 'agent of both capitalism and patriarchy' the state is 'no more gender-neutral than they are neutral with regard to class and race' (Brown, 1992, p. 9). Politics of protection has historically excluded women from the public political society yet the state is embodied with the consent of members as a neutral enforcer of 'established laws' as protector (Parry, 2004). Further, the paradox of protection experienced by the feminised other involves seeking protection against the dominant group from masculinist institutions, whereby to be 'protected' by the very power to whose consent is coerced perpetuates a dependence and powerlessness experienced by the feminised other (Brown, 1992, p. 9).

## Conclusion

Distinct legally under federalism, the Australian state still remains masculinist in its colonisation of Australia and has only offered illusions of progression. The discourses of the state as either oppressive or protective still conclude a masculinist political ethos that determines the state as custodian of morality<sup>10</sup>. Understandings of the state as malleable infer that the state may be historically patriarchal and not irredeemably masculinist as a product of societal contributions to discourse. However, as a structure founded and charged by the pursuit of dominance and control, the state then irredeemably remains masculinist – an agent of capitalism and patriarchy.

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<sup>10</sup> *R v Taylor* (1676) 1 Keb 607 at 621; 86 ER 189 – Expressed in very early English Law, which was transplanted rigidly at the time of Australia's colonisation, the Latin maxim '*custos morum*' translates to the understanding whereby the state is the custodian of morality in a religious sense as well as a secular sense.



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